

MEMORANDUM

Department of Environmental Quality
Waste Division

SUBJECT: Guidance Memo No. 02-2002 Guidance Document Development

These materials address the development of guidance documents within the Waste Division.

TO: Waste program managers and staff

FROM: Karen Jackson Sismour
Waste Division Director

DATE: Effective June 3, 2002

COPIES: Office of Waste Permitting, Waste Compliance Managers, Compliance and Enforcement Managers

I. Introduction

This guidance document is intended to standardize the administrative process and provide a consistent format for developing guidance documents within the Waste Division.

II. Background

The collaborative process addresses the formal development of guidance documents. Under the procedures outlined for the collaborative process, a guidance document is developed by a project team. This guidance document addresses the development of formal guidance documents, routine guidance documents, white papers, internal procedures and agency forms.

III. Definitions

"Collaborative process" means the collaborative process outlined in the director's memo dated July 20, 2000.

"Formal guidance document" means a guidance document that is developed using a project team. This type of document typically impacts significant portions of the regulated community and the waste program.

"Routine guidance document" means a guidance document that is more routine in nature and that interprets state laws and regulations but is more for clarification. This type of document typically has less impact on the regulated community and on waste programs.

"White paper" means a document that cites specific sections of laws or regulations, but does not interpret the regulations. These papers are primarily used to clarify what portions of laws and regulations apply to a specific function or waste management activity.

IV. Guidance Documents

If anyone in the waste division of DEQ feels that a guidance document is needed in a given area, they will discuss the situation with a member of the SMT. If the SMT member also feels that there is a need for the guidance document, the mechanism for guidance document development must be chosen. The SMT can make a decision to develop the document based on the following:

1. The document can be developed by assembling a project team under the formal collaborative process. Appropriate approvals and discussions with the EMT are required per the collaboration memo of July 2000. The formal collaborative process will be used for less routine guidance documents. If the document will impact a significant portion of the agency or is to be developed for distribution to the regulated community, the formal process must be considered.
2. If the document is more routine in nature, the collaboration memo indicates that guidance documents may be developed by the SMT, SMT staff, or a program team under the purview of the SMT. The following administrative procedures will be followed for the development of this more routine document. The SMT will discuss the decision to develop a guidance document outside of the formal collaboration process with their EMT representative and will indicate whether the guidance document will be developed:
 - a. By the SMT representative;
 - b. By the SMT representatives staff; or
 - c. By a program team.

The SMT member will proceed with the development the guidance document as indicated by the EMT representative. If the document is to be developed by a program team, the SMT member will ask if other SMT members are interested in providing staff to assist in the development of the guidance document, or will request the participation of staff from other programs as needs dictate. The SMT member will prepare a list of staff to develop the document and a brief description of the guidance document to be developed. The EMT will agree to the list of staff to develop the guidance document.

After the document has been developed, it will be forwarded for comment to all portions of the agency impacted by the document. All comments will be considered and appropriate modifications will be incorporated into the document. The guidance document will be forwarded to the SMT for final comment. After the SMT has had the opportunity to comment, any final comments will be incorporated into the document. The guidance document will be forwarded to the division director or other appropriate

EMT for signature with a statement indicating that the SMT has approved the document (Collaboration Memo).

3. A White Paper is a document that is developed to answer common questions that are routinely asked by the regulated community. When a white paper is developed the appropriate SMT should be consulted to assess whether the document is formal or informal and determine if more formal collaboration is necessary.
4. An Internal Procedure is a document developed for a group and does not impact any other portion of the agency. For example a procedure to report time or to obtain approval for leave is an Internal Procedure. These procedures do not need to follow any internal collaboration procedures and the requirements of sections 1-3 of this guidance do not apply.
5. An agency form is not a guidance document, but is a document to be included in regulations or a document to be distributed to the general public. These documents will be developed using the formal or informal collaboration process as determined by the EMT representative. Please note that agency forms are effective when they are filed with the Virginia Register of Regulations by the agency's Regulation Coordinator. The agency forms are then published in the Virginia Register.
6. The Waste Division will ultimately combine and organize all guidance documents into manuals. As new guidance documents are written the documents will be incorporated into the manuals approximately once a year.

V. Collaboration Process

One of the goals of the Guidance Development Project Team is to prepare procedures for processing guidance documents. These procedures were developed through the collaborative process. A project team was assembled with representatives from various waste programs. Regional offices were represented on the project team. Regional offices were asked to comment on draft and final versions of the document. The following people participated in the Guidance Development Project Team that was responsible for the development of the attached document.

Cindy Berndt
Aziz Farahmand
Steve Frazier
Kevin Greene

Julia King Collins
Paul Farrell
Howard Freeland
Leslie Romanchik

This document was approved by the SMT on April 2, 2002.

VI. Other Applicable Information

Attachment - Boiler Plate Format for Guidance Memorandum

MEMORANDUM

Department of Environmental Quality
Waste Division

SUBJECT: Guidance Memo No. XX-200X(9 VAC XX-XX)[guidance document # - year (VAC regulation # that the document is related to - i.e. 04-2001 (9 VAC 20-80) guidance documents will be consecutively numbered within the division, not within each program][Provide a brief description of the guidance document topic i.e. Updates to Operations Plans required by Amendment 2 of the Virginia Solid Waste Management Regulations]

TO: [Provide the appropriate recipient i.e. waste program staff, regional directors, solid waste permit writers, Compliance and Enforcement Managers etc.]

FROM: Karen Jackson Sismour [Waste Division Director. When the guidance document is final, the director will sign adjacent to the typewritten name.]

DATE:

COPIES: [identify individuals and groups that should be copied on the guidance document, i.e. John Smith, WCMs, CEMs]

[The following should provide a concise presentation of the guidance document. The document can be in any format. The following is suggested. If the items below do not lend themselves to the specific guidance document that you are working on, other headings may be used.]

I. Introduction [Provide a brief discussion on the situation that the document is intended to clarify and the issues involved.]

II. Background [Provide a complete description of the situation that the guidance document is intended to address. Provide concrete information, and cite examples of areas that have been problems in the past or what situations exist that require clarification to be provided. Please do not include the name of a facility or owner in the document.]

III. Definitions [Provide a list of definitions that will be used and the source of the definition. Cite the law or regulation on which the definition is based, or the rationale for the definition provided.]

IV. Guidance [A specific determination should be presented in the guidance document. The basis in law and regulation of the determination that is made should be provided.]

V. Collaboration Process {Indicate whether or not a project team was used to develop the document and list the goal of the team. Provide a list of the team members. Indicate the date of SMT approval.